

REMARKS

Claim Amendments

With this response, the Applicant amends claims 1 and 5 and cancel claim 7. Support for the amendments can be found in the application as filed, for example, on page 4, lines 11 and 12, and in claim 7. All amendments are made without prejudice and the Applicant reserves the right to reintroduce cancelled subject matter at a later date. No new matter has been added with these amendments.

Claim Rejection – 35 USC § 103

In the Office Action, the Examiner rejects claims 1-3, 7, 9, 15 and 19 as being obvious over Hoashi in view of Niimi; claim 5 as being obvious over Hoashi in view of Niimi and in further view of Ogata; claims 11 and 17 as being obvious over Hoashi in view of Niimi and in further view of Swart; and claims 13 and 15 as being obvious over Hoashi in view of Niimi and in further view of Ikeuchi. The Applicant submits that the claims as amended are non-obvious over the cited prior art.

As the Examiner points out in the Office Action, Hoashi does not teach the formation of ozone microbubbles. The Examiner states that Niimi teaches the formation of ozone microbubbles. However, the microbubbles in Niimi are produced to allow the ozone gas to easily dissolve into the water. There is no teaching of “maintaining the longevity of the ozone gas-containing microbubbles” in Niimi. Further, there is no teaching or suggestion in any of the cited art of “*ozone gas-containing microbubbles hav[ing] a diameter of 50 μ m or less*” or “*coating the interfaces of the ozone gas-containing microbubbles with tissues composed of raw materials of the fish-paste product*” as recited in the claims. The Examiner states that Niimi teaches “the microbubbles of ozone adhere to a solid in treated water easily” and that “a sterilization treatment where the treated water, dissolved with microbubbles of ozone, is able to travel to all the corners of the surfaces of foodstuffs, and the foodstuffs are then sterilized”. From this, the Examiner concludes that there is a creating of a coating or shell composed of raw materials of the fish-paste product, thereby maintaining the longevity of the ozone gas-containing microbubbles. The Applicant respectfully disagrees. Niimi teaches sterilization of the

foodstuffs at the time of the addition of ozone (“...and the foodstuffs are then sterilized”). There is no suggestion of utilizing “*the longevity of the ozone gas-containing microbubbles*” by later “*rupturing the coating shells of the ozone gas-containing microbubbles while said ozone gas-containing microbubbles are in the fish-paste product*”. Even if coated microbubbles are accidentally created by Niimi’s process, those coated microbubbles are not used for sterilization unlike the claimed invention.

Furthermore, the “stimulations” of Swart and Ikeuchi teaches the stimulation for as a direct method of sterilization of the foodstuffs, not an indirect method wherein the stimulation ruptures the coatings of the microbubbles and allows the ozone to be released. One skilled in the art reading Swart or Ikeuchi would not come away with “*giving stimulation to a part of the ozone gas-containing microbubbles thereby rupturing the coating shells*” as recited in the claims.

In summary, the prior art teaches using ozone as an immediate sterilization of the foodstuff, whereas the claims recite a delayed process by creating and then destroying a protective shell around the ozone gas. While parts of this process might occur accidentally in the prior art (although this is speculative as well...no proof or reference support was given for the conclusion), the fact that those parts were occurring as side-effects to the intended processes of the prior art would indicate that one skilled in the art would not be motivated to combine the process steps as recited in the claims absent the teachings of the present application.

The Applicants respectfully request that the rejection of obviousness be withdrawn for all the claims.

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The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this document is being transmitted to the Patent and Trademark Office via electronic filing.

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(Date of Transmission)

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